

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on March 8, 1999 at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 230, SB 221, SB 222, SB 165, 3/2/1999

Executive Action: SB 16 & 36-tabled, SB 230-Be
Concurred in, SB 63-Be
concurrent in as Amended, SB
112-Be concurrent in as Amended

HEARING ON SB 230

Sponsor:

Senator Grimes presented SB 230.

{Tape : 1; Side : A; Approx. Time Counter : 25 - 39}

Proponents:

Greg Petesch, Code Commissioner

{Tape : 1; Side : A; Approx. Time Counter : 39 - 60}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

Senator Grimes made closing statements.

{Tape : 1; Side : A; Approx. Time Counter : 60 - 84}

*Senators Doherty and Lynch were not in attendance to present
their bills at this juncture, we went into Executive Action*

EXECUTIVE ACTION ON SB 230

Motion/Vote: REP. YOUNKIN moved that SB 230 BE CONCURRED IN.

Motion carried 17-2 with McGee and Wyatt voting no.

(Rep. Eggers absent during voting.)

{Tape : 1; Side : A; Approx. Time Counter : 84 - 120}

EXECUTIVE ACTION ON SB 16

Motion: REP. CURTISS moved SB 16-DO NOT CONCUR IN.

Motion/Vote: REP. MCGEE moved that SB 16 BE TABLED. Motion carried 17-3 with Ahner, Anderson, and Younkin voting no.
{Tape : 1; Side : A; Approx. Time Counter : 120 - 198}

(Senator Doherty now in attendance to present his bill)

HEARING ON SB 221

Sponsor:

Senator Doherty presented SB 221.

{Tape : 1; Side : A; Approx. Time Counter : 198 - 219}

Proponents:

Greg Petesch, Code Commissioner

{Tape : 1; Side : A; Approx. Time Counter : 219 - 260}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 260 - 550}

Closing by Sponsor:

Senator Doherty made closing statements.

{Tape : 1; Side : B; Approx. Time Counter : 0 - 12}

HEARING ON SB 222

Sponsor:

Senator Doherty presented SB 222.

{Tape : 1; Side : B; Approx. Time Counter : 12 - 53}

Proponents:

Greg Petesch, Code Commissioner

{Tape : 1; Side : B; Approx. Time Counter : 53 - 89}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 89 - 407}

EXHIBIT (juh52a0

1)

Closing by Sponsor:

Senator Doherty made closing statements.

{Tape : 1; Side : B; Approx. Time Counter : 407 - 550}

HEARING ON SB 165

Sponsor:

Senator Lynch presented SB 165.

{Tape : 2; Side : A; Approx. Time Counter : 0 - 23}

Proponents:

Bob Gilbert, Montana Tow Truck Association

{Tape : 2; Side : A; Approx. Time Counter : 23 - 35}

Milo Casagrande, Tow Truck Operator-Butte

{Tape : 2; Side : A; Approx. Time Counter : 35 - 40}

Bob Anderson, Montana Sheriffs and Peace Officers Association

{Tape : 2; Side : A; Approx. Time Counter : 40 - 47}

Opponents:

None

Informational Testimony:

Dean Robert, Dept. of Justice

{Tape : 2; Side : A; Approx. Time Counter : 47 - 50}

Bob Pfeiffer, Montana Credit Union League

{Tape : 2; Side : A; Approx. Time Counter : 50 - 55}

Questions from Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 55 - 372}

Closing by Sponsor:

Senator Lynch made closing statements.

{Tape : 2; Side : A; Approx. Time Counter : 372 - 408}

EXECUTIVE ACTION ON SB 36

Motion: REP. SHOCKLEY moved that SB 36 BE CONCURRED IN.

Motion/Vote: REP. NOENNIG moved that SB 36 BE AMENDED. Motion failed 10-10. Rep. R. Clark, McGee, Ahner, Anderson, Curtiss, Jore, Molnar, Shockley, Soft, Younkin voting no.

Motion: REP. GALLUS moved that SB 36 BE AMENDED. Motion failed on a voice vote.

Motion/Vote: REP. MCGEE moved that SB 36 BE AMENDED. Motion carried 20-0.

Motion: REP. MCGEE moved that SB 36-AMENDMENT (#3 FROM KEENAN) BE AMENDED. Motion failed on a voice vote.

Motion: REP. YOUNKIN moved that SB 36 BE CONCURRED IN AS AMENDED.

Motion: REP. NOENNIG moved that SB 36 BE AMENDED. Motion carried on a voice vote.

Motion/Vote: REP. YOUNKIN moved that SB 36 BE CONCURRED IN AS AMENDED. Motion failed 10-10 with P. Clark, Eggers, Gallus, Gutsche, Hurdle, Jore, Kitzenberg, Noennig, Williams, and Wyatt voting no.

Motion/Vote: REP. KITZENBERG moved SB 36-TO RECONSIDER. Motion failed 10-10 with Wyatt, P. Clark, Eggers, Facey, Gallus, Gutsche, Hurdle, Jore, Noennig and Williams voting no.

Motion/Vote: REP. MCGEE moved that SB 36 BE TABLED. Motion carried 15-5 with Anderson, Curtiss, Facey, Kitzenberg, and Younkin voting no.

{Tape : 2; Side : A; Approx. Time Counter : 408 - 550}

{Tape : 2; Side : B; Approx. Time Counter : 0 - 550}

{Tape : 3; Side : A; Approx. Time Counter : 0 - 430}

EXECUTIVE ACTION ON SB 112

Motion: REP. YOUNKIN moved that SB 112 BE CONCURRED IN.

Motion: REP. SHOCKLEY moved that SB 112 BE AMENDED.

Motion passes on a voice vote.

EXHIBIT (juh52a0

3)

(This exhibit handed in after meeting; reason why out of order.)

Motion: REP. MCGEE moved that SB 112 BE CONCURRED IN AS AMENDED.

Substitute Motion: REP. ANDERSON made a substitute motion that SB 112 BE AMENDED. Motion passes on a voice vote.

Motion/Vote: REP. ANDERSON moved that SB 112 BE CONCURRED IN AS AMENDED. Motion carried 19-1 with Jore voting no.

{Tape : 3; Side : A; Approx. Time Counter : 430 - 550}

{Tape : 3; Side : B; Approx. Time Counter : 0 - 391}

EXECUTIVE ACTION ON SB 63

Motion: REP. AHNER moved that SB 63 BE CONCURRED IN.

Motion/Vote: REP. GUTSCHE moved that SB 63 BE AMENDED. Motion carried 16-4 with Curtiss, McGee, Noennig, and Soft voting no.

Motion/Vote: REP. AHNER moved that SB 63 BE AMENDED. Motion carried 14-6 with Clark, Curtiss, Jore, McGee, and Molnar voting no. (am missing the 6th vote no- inaudible on tape and was a voice vote.)

Motion: REP. MCGEE moved that SB 63 BE TABLED. Motion failed on a voice vote.

Motion/Vote: REP. YOUNKIN moved that SB 63 BE AMENDED. Motion carried 18-2 with R. Clark and McGee voting no.

Motion/Vote: REP. YOUNKIN moved that SB 63 BE CONCURRED IN AS AMENDED. Motion carried 15-5 with Curtiss, Hurdle, Jore, McGee, and Molnar voting no.

{Tape : 3; Side : B; Approx. Time Counter : 391 - 550}

{Tape : 4; Side : A; Approx. Time Counter : 0 - 550}

{Tape : 4; Side : B; Approx. Time Counter : 0 - 117}

EXHIBIT (juh52a0

2)

Meeting adjourned.

ADJOURNMENT

Adjournment: 12:17 A.M.

REP. ROBERT C. CLARK, Chairman

PAM SCHINDLER, Secretary

RC/PS

EXHIBIT (juh52aad)